IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 614 OF 2004

Mr. Vithal Ambadas Patil & Ors. ... Appellants.

V/s.

Mr. Datta Ananda Gulumkar. ... Respondent.

....

Mr. Milind Deshmukh for the Appellants.
Mr. K.B. Sonwalkar for the Respondent.

CORAM : DR.D.Y. CHANDRACHUD J.

05TH JULY 2007.

P.C. :

. While holding that the Appellant was not entitled to the equitable relief of an injunction, the Appellate Court has noted that the evidence of P.W.3 who was a witness for the Appellant showed that the Appellant was not in possession of the area admeasuring 5 ares.

2. In the circumstances, the appropriate remedy for the Appellant was to seek restoration of possession. This was not done.

3. No substantial question of law arises in the Second Appeal which is accordingly dismissed.